

FACTSHEET

TITLE: A Resolution adopting and approving proposed **amendment** to the **North 27th Street Corridor and Environs Redevelopment Plan**, requested by the Director of the Urban Development Department, to provide for the acquisition and demolition of the remaining north half of Block 21, Kinney's O Street Addition (Lots 2 through 6), generally located at North 27th and P Streets. The Redevelopment Plan area is composed of the city blocks generally bounded on the south by N Street, on the west by 23rd Street, on the north by Leighton Avenue and on the east by 31st Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/30/03
Administrative Action: 04/30/03

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes').

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

ASSOCIATED REQUEST: Change of Zone No. 3401 (03-84).

FINDINGS OF FACT:

1. This proposed amendment to the **North 27th Street Corridor and Environs Redevelopment Plan** was heard at the same time as the associated Change of Zone No. 3401 (03-84).
2. The proposed amendment includes several text changes that allow for the acquisition of buildings and property owned by the Catholic Bishop of Lincoln for the purpose of redevelopment, amending the Future Land Use map and changing the zoning designation from R-6 Residential to B-3 Commercial (Change of Zone No. 3401) to accommodate future commercial uses.
3. The staff recommendation to find the proposed **amendment** to the **North 27th Street Corridor and Environs Redevelopment Plan** to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.4-7, concluding that the Comprehensive Plan identifies a number of implementation strategies that support a finding that the proposed amendment generally conforms to the Comprehensive Plan.
4. The applicant's testimony is found on p.8-9.
5. Testimony in opposition on behalf of the Malone Neighborhood Association is found on p.9-10, and the record consists of one letter from the Malone Neighborhood Association in opposition (p.30-31).
6. The applicant's response to the testimony in opposition is found on p.10-12, assuring that the acquisition and sale of the property would go through a full RFP (request for proposal) process.
7. On April 30, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed amendment to be in conformance with the Comprehensive Plan. The Planning Commission also voted 9-0 to approve the associated Change of Zone No. 3401 from R-6 Residential to B-3 Commercial.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2003\CPC.03002 No. 27th Redev

DATE: May 12, 2003

DATE: May 12, 2003

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Comprehensive Plan Conformity #03002

DATE: April 18, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: April 30, 2003

PROPOSAL: This is a request from the Director of the Urban Development Department to review a proposed amendment to the *North 27th Street Corridor and Environs Redevelopment Plan*.

The proposed amendment includes several text changes that allow for the acquisition of buildings and property owned by the Catholic Bishop of Lincoln for the purpose of redevelopment, amending the Future Land Use map, and changing the zoning designation from R-6 Residential to B-3 Commercial to accommodate future commercial uses.

CONCLUSION: The Comprehensive Plan identifies a number of implementation strategies that support a finding that the proposed amendment to the *North 27th Street Corridor and Environs Redevelopment Plan* generally conforms to the Comprehensive Plan.

<u>RECOMMENDATION:</u>

Conformance with the Comprehensive Plan

GENERAL INFORMATION:

LOCATION: 27th and 'P' Streets

PURPOSE: The 2025 Comprehensive Plan identifies the *North 27th Street Corridor Plan* as a subarea plan that is part of the Comprehensive Plan. (F 156) The *North 27th Street Corridor and Environs Redevelopment Plan* is the redevelopment plan that puts the *North 27th Street Corridor Plan* into practice. Pursuant to LMC §4.48.070, the Planning Commission is required to review proposed amendments to the Comprehensive Plan. Therefore, an amendment to a subarea plan should be reviewed for conformity to the Comprehensive Plan. Also, NEB REV STAT § 18-2112 requires the Planning Commission to review a redevelopment plan as to its conformity with the Comprehensive Plan.

EXISTING ZONING: R-6 Residential District

EXISTING LAND USE: Vacant church building and parking lot.

ASSOCIATED APPLICATIONS: Change of Zone #3401 (R-6 to B-3)

COMPREHENSIVE PLAN SPECIFICATIONS:

This property is designated as Urban Residential in the Land Use Plan. (F 25)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F 17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Infill commercial development should be compatible with the character of the area and pedestrian oriented. (F 49)

Maintain and encourage retail establishment and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods. (F 49)

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. (F 66)

Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion. Most historic property is and should be privately maintained. (F 141)

The demolition of significant historic properties...diminishes the character of our community. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks. (F 141)

Strategies for Historic & Cultural Resources (F 142)

Adopt as public policy the careful stewardship of significant, publicly owned historic resources, including a full and open examination of alternatives when major alterations or demolition are considered.

THE NORTH 27th STREET CORRIDOR PLAN SPECIFICATIONS:

The 27th Street Concept Plan proposes a mixed use framework, using the street as an environment for both business and living. (page 36)

Areas that require redevelopment are proposed for redevelopment in ways designed to strengthen existing commercial and residential investment. (page 36)

A principle of the concept plan is the separation, to the degree possible, of local and through traffic movements. (page 37)

The concept plan is based on the establishment of defensible edges between residential and non-residential uses. The concept of defensible edges, using streets or greenways to provide boundaries, realizes the benefits of mixed use while screening the negative effects of commercial growth on residential environments. (page 37)

Requiring new projects to provide direct connection from front door of business to 27th Street sidewalks. Design which requires pedestrian to cross parking lots in order to get businesses should be discouraged. (page 38)

Whenever possible, encourage project designs which place commercial buildings rather than parking lots along the street. Setbacks should be adequate to provide for separation from traffic and adequate landscaping; however, the pedestrian should be engaged with the building, rather than parking lots. Parking should generally be developed to the side or rear of commercial buildings. (page 38)

ANALYSIS:

1. This is a request to review a proposed amendment to the *North 27th Street Corridor and Environs Redevelopment Plan* for a determination of conformity with the Comprehensive Plan.
2. The *North 26th/27th Street Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study* determined that the area was blighted and substandard. The City Council declared the area blighted and substandard on June 19, 2000.
3. The most recent update to the *North 27th Street Corridor and Environs Redevelopment Plan* was adopted by the City Council on October 28, 2002. The *North 27th Street Corridor and Environs Redevelopment Plan* superseded all previous redevelopment plans and amendments that cover an area generally bounded by “N” Street on the south; the viaduct over the Burlington Northern Santa Fe right-of-way parallel to the Cornhusker Highway on the north; 23rd Street on the west; and 31st Street on the east. This proposed amendment includes buildings and property that are within the existing boundary of the Redevelopment Plan area.
4. The Comprehensive Plan acknowledges the community’s longstanding efforts to protect and improve the areas around the North 27th Street business district and neighborhood.
5. The acquisition of this property for redevelopment purposes and the request for a change of zone was not identified in the most recent update of *North 27th Street Corridor and Environs Redevelopment Plan*.
6. This proposal will amend the commercial redevelopment activities identified in the *North 27th Street Corridor and Environs Redevelopment Plan*. This includes several specific text changes (attached). The amendment will also amend the Future Land Use map accordingly.
 - 6.1 On page 27, under the heading Redevelopment Activities: Commercial, paragraph 2, change from “redevelop small transitional commercial use retail center” to “redevelop commercial use that acts as a transitional area between the residential portion of the neighborhood and the North 27th Street corridor.”
 - 6.2 On page 28, add two project elements regarding the 27th and P Street intersection: “Property acquisition: Kinney’s O Street Addition, Lots 2 through 6,” and “Change of zone from R-6 to B-3.”

- 6.3 On page App. E-2, add the entry “Block 21, Kinney’s O Street Addition, Lots 2 through 6, more commonly known as 2601 P Street,” to the list of properties to be acquired.
- 6.4 Amend the Future Land Use map to change this property from its current designation of Semi-Public (church) to Commercial.
7. Changing the focus from an identification of a retail center to a more general commercial use that acts as a transition between the residences and 27th Street does not appear to be significant. In fact, this change appears to provide more flexibility in the redevelopment of this site.
8. Identifying this use as transitional conforms to the Comprehensive Plan’s guiding principle of creating housing opportunities for residents with special needs that are compatible with residential neighborhoods.
9. Locating this facility at this location will allow Applicant to provide adult substance abuse and mental health services in an area of town that currently does not provide these types of services.
10. By identifying acquisition of this property, the City will be able to have an active role involved in the redevelopment of this site. Pursuant to NEB REV STAT §18-2108, the City shall not acquire real property for a redevelopment project unless the redevelopment plan is approved. Once approved, this amendment will add this property to the *North 27th Street Corridor and Environs Redevelopment Plan*.
11. The building that exists on this site was the Immaculate Heart of Mary Church, which has relocated. The Catholic Bishop of Lincoln has decided to sell the property, and would like to transfer ownership to the City of Lincoln for redevelopment purposes.
12. Appendices to the *North 27th Street Corridor and Environs Redevelopment Plan* provide a list of properties to be acquired. Upon approval of this amendment, the appropriate appendix should be amended to include this property.
13. Changing the zoning from R-6 Residential to B-3 Commercial District is necessary to allow the redevelopment of this area into a commercial use that acts as a transitional area between the residences and 27th Street. The R-6 Residential district does not allow for commercial or retail uses. The B-3 Commercial district provides “for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. The uses permitted generally are those for neighborhood uses, plus limited manufacturing uses that reflect the character of that commercial area.”

14. The Comprehensive Plan identifies this area as Urban Residential, which is defined in the plan as “multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.” (F 27) However, the Comp Plan also states that the land use districts are intended to be generalized locations only, and in practice should be gradual transitions between uses rather than a strict segregation of different uses. The B-3 Commercial district would allow this property to serve in a transitional role between the commercial uses on “O” and 27th Streets and the neighboring residential uses. This amendment would allow commercial redevelopment activities to occur along the entire south block face of P Street, between 26th and 27th Streets.
15. Immediately adjacent to the south and west of this property is a B-3 Commercial district, which areas are also shown as Commercial in the Comp Plan. Changing this one-half block to B-3 would not encroach commercial uses further into the residential neighborhood since this property is separated from existing residential uses to the north by P Street, and on the east by 27th Street, both of which are shown in the Comp Plan as Minor Arterials. (E 49) The two houses that abut North 27th in the attached aerial have been removed.
16. The *North 27th Street Corridor and Environs Redevelopment Plan* Future Land Use map shows this property as Semi-Public (Church). This amendment revises the Future Land Use map so it will remain consistent with the text of the plan.
17. The Immaculate Heart of Mary Church is listed in the Antelope Valley EIS as eligible for listing to the National Register of Historic Places. A review of the eligibility of this structure was conducted in relation to this amendment. This subsequent review continued to find the structure as eligible.
18. The Comp Plan indicates a desire to preserve and maintain historic properties, even those not formally designated as landmarks. Although the structure on this site is not formally designated, it is deserving of further review if the intention is demolition. Should the City acquire this structure for redevelopment purposes, it should conduct a full and open examination of alternatives if major alterations or demolition are considered. The structural condition of the church should be assessed and possible landmark designation or preservation considered.
19. The *North 27th Street Corridor and Environs Redevelopment Plan* also identifies the church on this site as historically significant with potential eligibility for listing to the National Register. However, this plan does not provide policy guidance regarding the disposition of such structures.
20. Approved redevelopment activities could generate Tax Increment Financing from private development to pay for public infrastructure and improvements.
21. The Public Works Department has indicated they reserve the right to review all site plans for this project. Additionally, Public Works states they:

- 21.1 Support the proposed elimination of the two existing driveways on 27th Street.
- 21.2 Do not support the proposed curb cut on 'P' Street.
- 21.3 Support the elimination of all existing driveways on the south side of 'P' Street between 26th and 27th Streets.
- 22. The Parks and Recreation Department states that the developer must coordinate the locations for potential street trees on private property.
- 23. The signage allowed in the B-3 Commercial district is significantly different than that allowed in the R-6 Residential district. The Planning Department recommends deed restrictions be utilized to limit the number, size, and type of signs allowed on this property.
- 24. The types of uses allowed by the B-3 Commercial district are significantly different than those allowed by the R-6 Residential district. The Planning Department recognizes that the B-3 district is likely a reasonable designation for this area, however, the uses allowed should be of a transitional nature. Therefore, the Planning Department recommends deed restrictions be utilized to limit the types of commercial uses to those characterized as transitional. See attachment that indicates which uses should be restricted.
- 25. With certain deed restrictions used, the Planning Department recommends this amendment be found to be in conformance with the Comprehensive Plan.

Prepared by:

Greg Czaplewski
Planner

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COMPREHENSIVE PLAN CONFORMANCE NO. 03002, and CHANGE OF ZONE NO. 3401

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 30, 2003

Members present: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn.

Staff recommendation: A finding of conformance with the Comprehensive Plan on the amendment to the Redevelopment Plan and approval of the Change of Zone.

Ex Parte Communications Disclosed: None

Proponents

1. Wynn Hjermstad of the City Urban Development Department, presented the proposal to amend the No. 27th Redevelopment Plan and related rezoning request. The No. 27th Street Corridor and Environs Redevelopment Plan was previously before the Commission and adopted by the City Council in September of this past year. When we talk about the No. 27th Street Redevelopment Plan, we are talking about the general boundaries of “N” Street on the south to Leighton on the north. The proposed amendment is for a project already identified in the Plan, but it is now identified as a much smaller area and there have been changes in this area. The proposal is for what was identified as a small transitional commercial use retail center to be amended to redevelopment of a commercial use and a transitional area between the residential portion of the neighborhood and the No. 27th Street Corridor. This amendment identifies the acquisition of the church. The city already owns the parcel on the corner of 27th & “P” and the two houses have been torn down. That church has been vacated and has been offered for sale so it opens up an area for redevelopment that wasn’t there previously. This is a tough location for redevelopment. It is right along 27th, very close to “O” Street and not a desirable place for residential. Urban Development believes that acquisition of the church and redevelopment of the site provides the city with an opportunity to protect and enhance the residential part of the neighborhood and continue to revitalize North 27th Street. With the city ownership it gives the opportunity to provide a buffer and the city gets final design review.

Hjermstad also purported that the change of zone to B-3 is the most logical. The staff is recommending that there be deed restrictions on the use and the Urban Development Department agrees.

Hjermstad also acknowledged that there are definitely some historic issues that need to be addressed with the church. It is eligible for the National Register; however, what the city has heard is that structurally, it is in pretty bad shape. That structural analysis is now in process.

Hjermstad acknowledged that the Urban Development Department has been approached by a potential user for this site. #4 of the Analysis on the change of zone staff report does mention CenterPointe; however, Hjermstad emphasized that this is not a done deal. They will be going through a RFP process.

Schwinn assumed that a church is a permitted use in the B-3 district. Hjermstad replied that the church is owned by the Catholic Diocese and a condition of the sale is that it not be used as a church.

Opposition

1. Ed Patterson, 2108 Q Street, read a letter from the President of **Malone Neighborhood Association** in opposition to the change of zone. It is in the best interest of the neighborhood if the zoning remains residential. There is an interest and need for residential development in this location. It is not that tough to do residential here if you do a mixed-use concept with residential on the upper level. It is well suited for an attractive residential development as a buffer between the business and single family dwellings along P Street, with good access to businesses and public transportation. No entity except CenterPointe has shown an interest in the property. He believes this is a deal cut behind the scenes. Patterson purported that the project is contrary to the Comprehensive Plan, e.g. in order to judge compatibility it is necessary not just to consider what the building might look like, but what activities will take place in the building and what impact they will have in the neighborhood. The activities of a dual-diagnosis (mentally ill/inpatient/out-patient) residential treatment center will ripple through the neighborhoods. Adjacent residential properties will deteriorate and families will move out. People are far more concerned about the actions that take place in the neighborhood and safety of their children than whether the building is new or old. The Comprehensive Plan also provides for consideration that the activities will encroach upon existing neighborhoods. There is no way to screen that encroachment. This does not support the goals of the Antelope Valley project, i.e. activities that would draw middle to upper class individuals to the area to live and play. There is appropriate zoning for this type of function. The residents of Malone Neighborhood do not have the financial resources to resist the temptations of more affluent neighborhoods to push every difficult social problem within Malone's boundaries. The Catholic church existing on this site is eligible for the Historic Registry and any impact must be completely justified. It is hard to believe anyone could justify modifying or tearing down this site for this treatment center.

Patterson strongly urged that there is no business that would have a more negative impact on this neighborhood than a dual-diagnosis residential treatment center. He has lived in Malone since 1967 and he has seen the impact of Daywatch and Matt Talbott Kitchen moving further and further into the neighborhood. 95% of the clients of these services are people drawn into the neighborhood by the services. Patterson suggested that the assurances by the proponents of this project that the clientele will not be increased is not reality. We deal with life as it exists on the ground.

2. Mike Morosin, past president of **Malone Neighborhood Association**, testified in opposition. He deals with many of these clients that go to CenterPointe. The biggest police

calls in Lincoln are Daywatch, Matt Talbott and CenterPointe. He has observed drug sales out of the CenterPointe parking lot. Where this is proposed to be located is a walkway to the elementary school. Morosin expressed concerns that the Malone Neighborhood was not brought into the picture before the city began negotiating with CenterPointe. Urban Development did not contact the neighborhood. If you are going to do something like this, isn't it right to come to the neighborhood? Why didn't Urban Development come? Morosin suggested that nobody came because they wanted to do it behind the scenes. The Malone neighborhood is very concerned about the clientele that comes to CenterPointe. They are already on medical prescription drugs and they are self-medicating. Why dump all of this into one neighborhood? Malone has become the collection point for everything else people don't want. We've had enough. Where's the fair share? Why not the old VA hospital? Sure these people need help, but don't bring these type of people into the neighborhood without the resources.

Schwinn reminded Morosin that this hearing is not about CenterPointe, but a change of zone.

3. Cynthia Blodgett-McDeavitt, who lives across the street from the building in question, testified in opposition. A business district attracts pedestrian traffic that is not necessarily compatible with a residential area. She needs to know what plans there are to address an increase in transient traffic in an area that already has an increase in transient traffic because of the empty building. Children walk south across P Street at 25th and 26th Streets, to go to Elliott School. What provisions will there be for these children to walk safely past a new business district? Things were fine when it was a church with a pastor living there, but now it's empty. What impact will this have on her property value and the homes of her neighbors? What about the security of the neighborhood? There have already been two police stakeouts and chases through her property in the last two months. What impact will this rezoning have on increase in crime that is already happening since the church was condemned? She would prefer to have the building remodeled to house offices or maybe an O Street rec center or some kind of child care. Her husband works in a lockdown unit for teens and she appreciates the need for a place for the people of this project to be, but she would personally prefer that it be located close to Lincoln Action Program. She does not believe a condemned building will ever be sufficiently remodeled to house people who have to live there. Remodeling that building to house a rec center or lawyers offices or consultants offices would be preferable.

With regard to traffic, the corner of 27th and P is very difficult. She cannot back out of her driveway on P Street when there is a Husker game or event at Devaney. That corner cannot handle any more traffic. As you consider turning this particular parcel into a business district, please also consider how you will handle the traffic.

Response by the Applicant

Carlson asked the applicant to explain the RFP process. Hjermstad stated that Urban Development does a RFP on every single project. And they have done a RFP on every single project on No. 27th. In the past, Hjermstad has been to at least one, if not two or three neighborhood associations as well as the business and civic association in that neighborhood before anything is done. A RFP is issued and sent to developers or anyone who has shown

an interest. It is also published in the newspaper. The RFP allows about one month for people to submit proposals. There is a selection committee comprised of people that live in the area, businesses in the area and city staff. The committee goes through an interview process and makes a recommendation to the Urban Development director (Urban Development is the city's redevelopment authority). The Urban Development director then makes a recommendation to the Mayor and it is the Mayor that makes the selection. Hjermstad believes that the committee's recommendation has always been followed. Once the developer is selected, there is a development agreement that must be adopted by the City Council.

Newman inquired whether Urban Development has any information as to where the Hartley, Hawley and Woods Park neighborhoods stand on this. Hjermstad's response was that one of the first things Urban Development says to the developer is to go talk to the neighborhood. She believes that Topher Hansen (CenterPointe) did go around and talk to neighborhoods. She understands that Hawley, Hartley, and the No. 27th Business and Civic Association support this proposal.

Steward stated that one of the key decision points for him is the historic nature of the building. Are there any funding or other tangential reasons why Urban Development has not delved more deeply into the historic nature and structure nature of the building before proceeding with this proposal. Hjermstad stated that she has been talking with Ed Zimmer. They are doing a structural survey now. The reason they are proceeding with this step in the process is that government is slow. Urban Development does see this as a key location in the neighborhood, whether it remains the structure that it is and rehabbed and reused or whether it has to be torn down. We see this as a key location to help enhance the residential character. Redevelopment plans are done for the public good. This location is key for a redevelopment or reuse project that is in the public good. It is going to take some time to get through the process. This action does not mean that this is what will be done, but it gives Urban Development the authority to move forward.

Hjermstad clarified that the church building has not been condemned. This Redevelopment Plan is actually the second one. The prior Redevelopment Plan showed those houses for acquisition in 1998, long before the church was for sale. The reason we waited to tear the houses down was because the owner was still living there. Then the reason we wanted to tear them down when we did was because they did not want transients in the houses. Hjermstad indicated that she did talk with the neighborhood before the houses were torn down. Hjermstad also stressed that this is not a "done deal". In every single case she has gone to the neighborhood. The point today is to amend the Redevelopment Plan and do the rezoning.

Schwinn recalled that the houses were identified as substandard in the blight study.

Greg Czaplewski of Planning staff advised that if the change of zone is approved and CenterPointe is selected as the developer, they would be required to get a special permit for their use.

Carlson clarified that this action does not speak to demolishing the church. We are only talking about acquisition of the property and changing the zone.

COMPREHENSIVE PLAN CONFORMANCE NO. 03002
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 30, 2003

Duvall moved a finding of conformance, seconded by Bills-Strand and carried 9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes'.

CHANGE OF ZONE NO. 3401
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 30, 2003

Duvall moved approval, seconded by Bills-Strand.

Duvall believes this is really business expanding to the north in a way. He looks at it as an evolutionary view.

Ray Hill of Planning staff explained that the deed restrictions that were discussed have to do with the Comprehensive Plan Conformance item. If the City does sell the land to the developer, the uses should be restricted. The staff recommends that changing the zone conforms with the Comprehensive Plan, and part of that finding is to restrict the uses in the B-3 district.

Steward commented that if they choose not to sell or to sell to another religious organization, it doesn't matter what the Planning Commission has done.

Rick Peo of the City Law Department cautioned that the change of zone is separate and distinct from the Comprehensive Plan conformance. Deed restrictions would only apply if the city acquired ownership of the property with the intent to restrict the use.

Steward is going to vote in favor of the motion, but once again, we have the difficult and sticky situation of a zone condition at the edge of other zone conditions. It's the transition that is most difficult in changing zones within already built and previously used areas. He is troubled by the fact that this comes without all of the answers in regard to the other circumstance which the public has great interest in – historic value. He is also troubled by the opponents' use of the term "social engineering" on one hand and suggesting "social engineering" by not wanting this in their neighborhood. It's all part and parcel of the same issue. This community is responsible not only for the property but for how it gets used and he is prepared to do his best to deal with that to the broadest interest of the community.

Carlson stated that he understands the intention of the two proposals and how they are connected, but he is uncomfortable with the legal reality that the two are not connected. Peo pointed out that the change of zone is being requested by the Urban Development Department. Therefore, once it gets to City Council, it would obviously be placed on pending or deferral until such time as they might acquire ownership. This is not the Catholic Bishop's application.

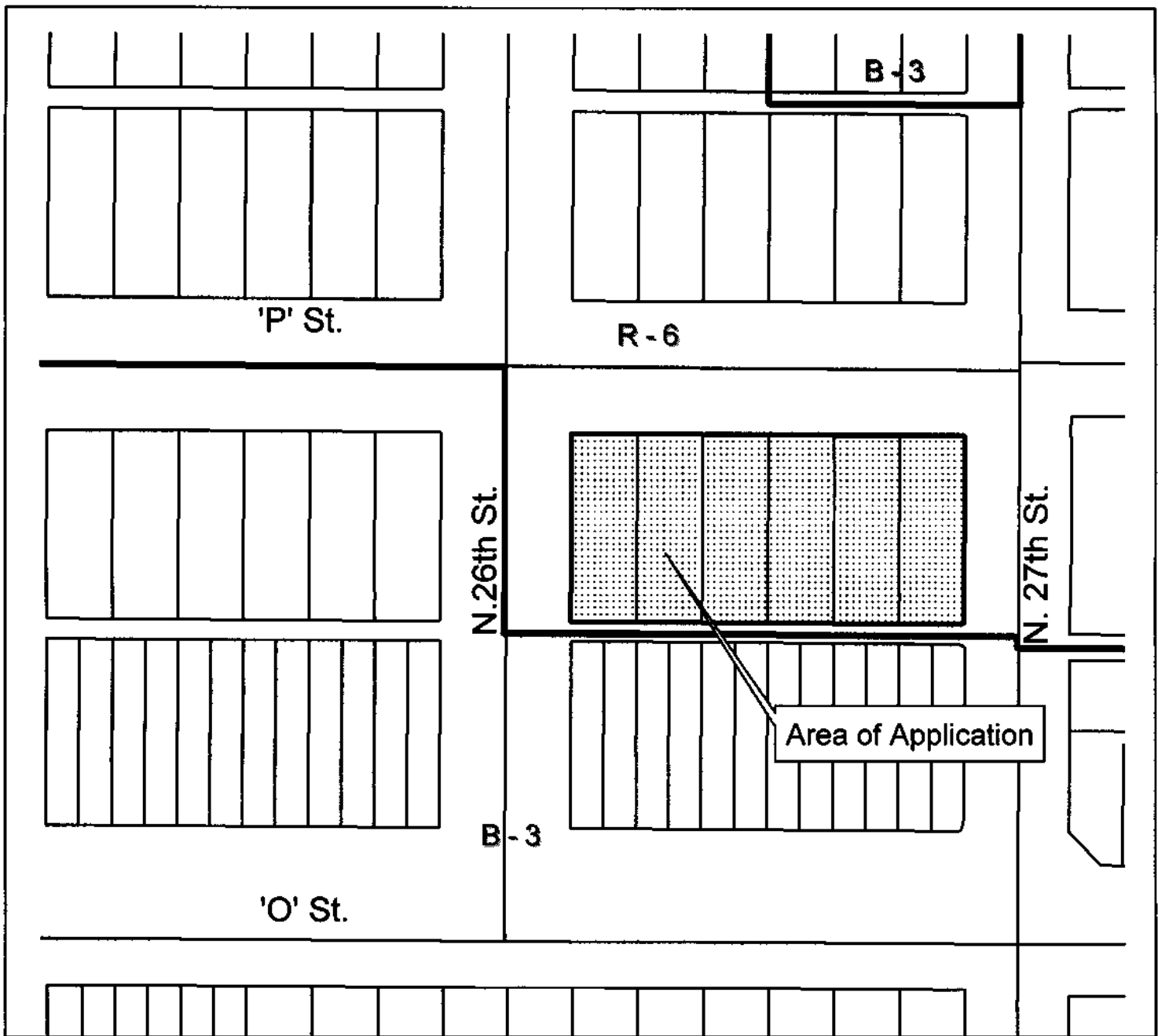
Schwinn believes B-3 is appropriate on 27th and on P Street because of the amount of traffic that goes by there and the intensity of that corner. He has spent some time in this neighborhood because of his vote on Kabredlo's at 23rd & R and the depiction of the neighborhood as being a war zone. He has had the pleasure of doing business with two owners on P Street within the last six months and they would not move their businesses if the city wanted to pay them. They are proud of the neighborhood. They have no issues about security. He spent time with his family at Kabredlo's on 23rd and R and at 27th and he didn't find it any different than any other Kwik Shop in any other part of town. He takes issue with this neighborhood complaining about being dumped on. We are not talking about a major issue in a major problem neighborhood.

Motion for approval carried 9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes'.



Comprehensive Plan Conformance #03002
N. 27th & P St.





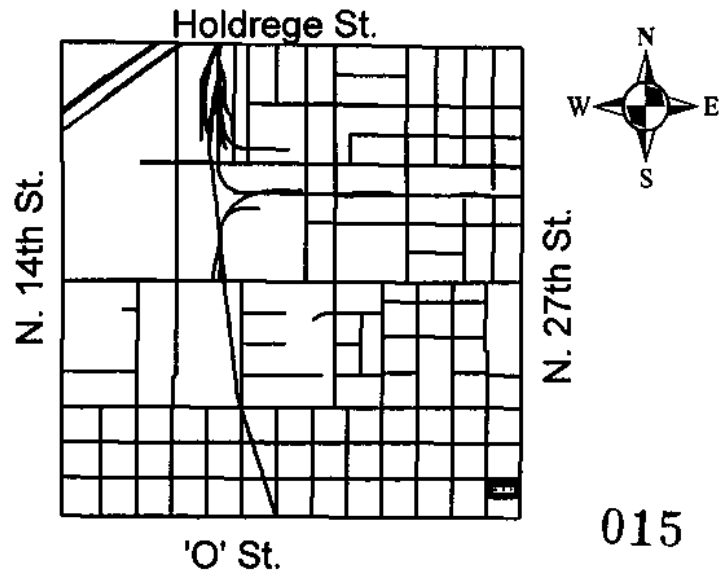
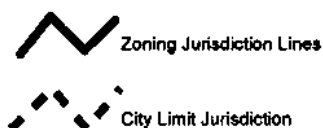
Comprehensive Plan Conformance #03002

N. 27th & P St.

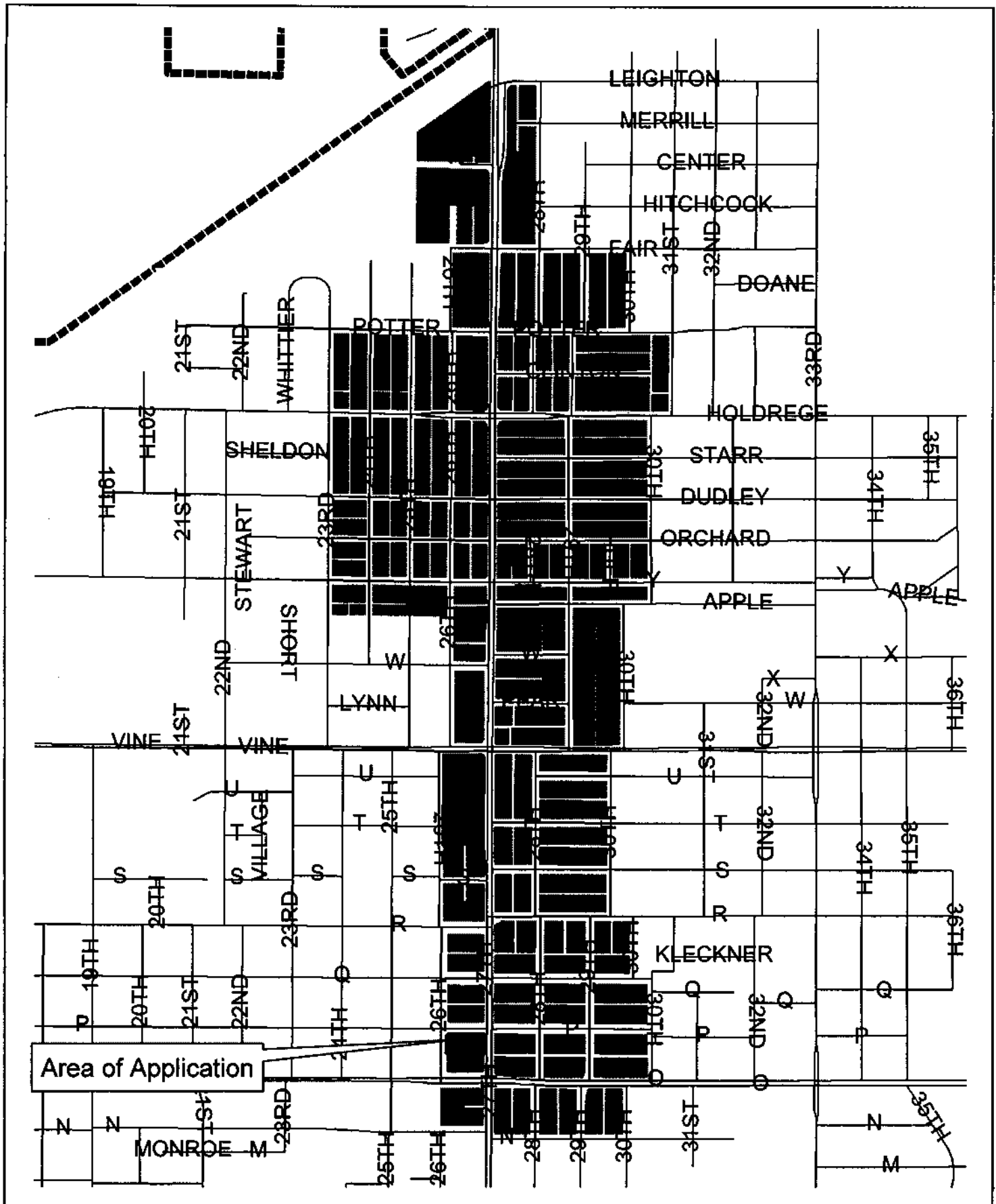
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-6	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District




One Square Mile
Sec. 24 T10N R6E



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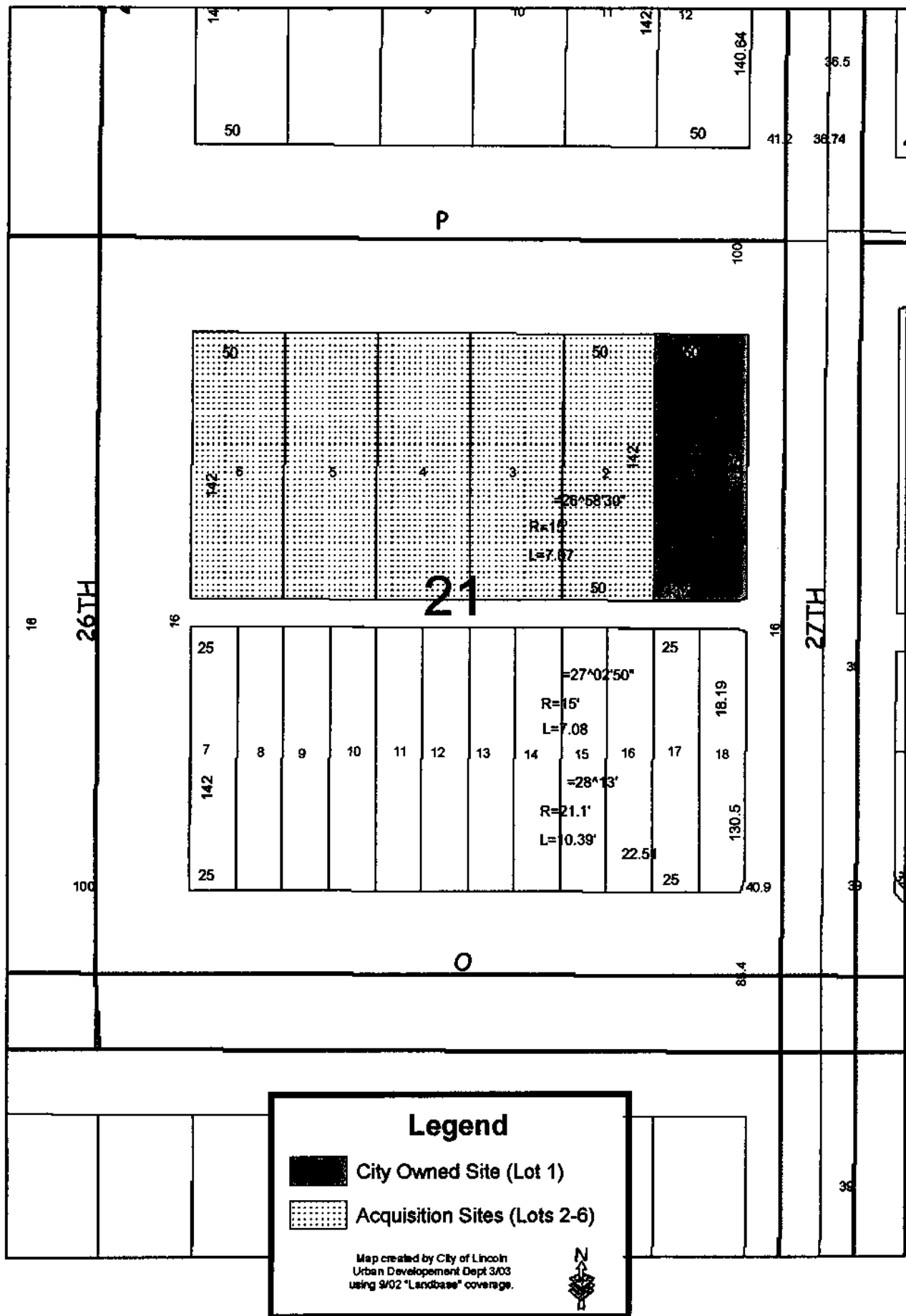
Comprehensive Plan Conformance #03002 **N. 27th & P St.**

-  Area of Application
-  N 27th St. Redevelopment Area
-  City Limits



016

Commercial Redevelopment Site



Lincoln



Nebraska's Capital City

March 6, 2003

Marvin Krout, AICP
Planning Director
Lincoln Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Marvin:

Please find enclosed an amendment request to the *North 27th Street Corridor and Environs Redevelopment Plan*. This amendment is to the project identified as **27th & P Street: Commercial Development**, under the section entitled Redevelopment Activities: Commercial, page 27 of the document. The current activity is described as redevelopment of a small transitional commercial retail center.

This amendment will add the acquisition and demolition of the remaining north half of the block described as Block 21, Kinney's O Street Addition, lots 2 through 6. We are also requesting a change of zone from R-6 to B-3. The redevelopment will still act as a transitional area between the busy N. 27th Street corridor and the residential section of the neighborhood.

CenterPointe will be constructing a facility, approximately 16,000 sf, and necessary parking to house an adult residential treatment program and administrative offices. Representatives from CenterPointe have contacted the Malone, Hartley, and Hawley neighborhood associations, the North 27th Street Business and Civic Association and the Preservation Association of Lincoln (PAL) to explain the project.

Please forward the amendment to the Planning Commission for their consideration at their April 2, 2003 meeting. If you have any questions please call Wynn Hjermstad at 441-8211.

Sincerely,

Marc Wullschleger
Director

cc: Wynn Hjermstad

018

Lincoln



Nebraska's Capital City

April 21, 2003

Marvin Krout, *[Signature]* Director
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Dear Marvin:

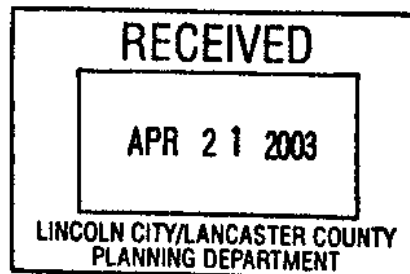
Please find attached an amended copy of the North 27th Street Future Land Use map and an amended copy of APPENDIX E: Parcels to be Acquired, Substandard Housing and Commercial/Industrial Structures, which are to accompany items CP03002 and C23401. Both documents update and support our original amendment request dated March 6, 2003.

I understand this amendment is scheduled for the April 30, 2003, Planning Commission meeting. Please call me at 441-7126 if you have any questions.

Sincerely,

[Signature]
Marc Wullschleger
Director

cc: Wynn Hjermstad
Ernie Castillo



019

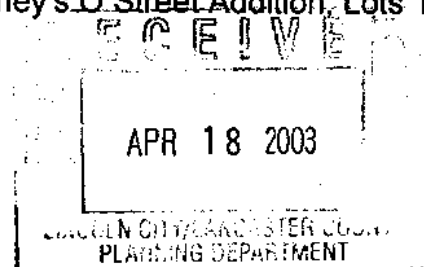
to 26th Street to accommodate redevelopment at the northwest corner of 27th and Vine. Total length of this project is removal of approximately 1,660 feet of 8" main, replaced with approximately 1350 feet of new 8" main, which includes the section completed in conjunction with the redevelopment at the northwest corner of 27th and Vine.

2. Replace the 8" sewer in the alley between 27th and 28th Streets, from Apple north to Orchard (see Exhibit 7). Replacement will begin at manhole 226, then north to manhole 335, then manholes 488, 489, 336 and ends at manhole 337. The total length of this project is approximately 865 feet.
3. Study drainage and storm sewer conditions in the vicinity of X Street. This location has also been identified as a key redevelopment site and likely to stimulate continued private redevelopment in the corridor. However, drainage issues should be corrected before redevelopment begins. After completing the study of conditions, repair and replacement should proceed as needed.
4. Complete a detailed analysis of storm water sewers, sanitary sewers, and the water system to determine additional needed improvements. Complete improvements as required to support current and anticipated development.

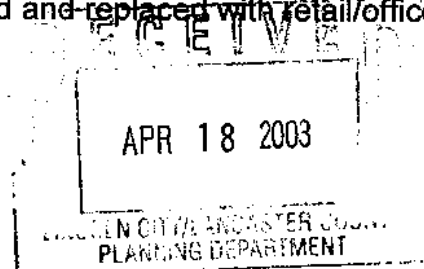
REDEVELOPMENT ACTIVITIES: COMMERCIAL

Several locations have been identified as essential to redevelopment of the North 27th Street Corridor. These are areas where redevelopment activities will be highly visible and will be more likely to spur continued redevelopment in the corridor. Key locations for commercial redevelopment include:

1. 27th and O Street: improvements to existing businesses. A stable commercial area with some businesses experiencing physical deterioration. Provide financing for exterior repair and facade improvements through the Urban Development Department Economic Development Program.
2. 27th and P Street: commercial redevelopment. This pocket of residential development is located just one block from the major intersection of 27th and O. Street widening has resulted in very little setback from 27th Street. Structures appear to be in poor and deteriorating condition. Acquire substandard houses; redevelop ~~small transitional commercial use retail center~~ commercial use that acts as a transitional area between the residential portion of the neighborhood and the N. 27th Street corridor. Project elements include:
 - Acquire two substandard houses at P Street: Kinney's O Street Addition, Lots 1 and 2.
 - Relocate tenants
 - Demolish structures



- Develop transitional commercial uses
 - Pave off-street parking
 - Relocate/upgrade utilities
 - Eliminate two driveways on North 27th Street; widen existing alley curb cut
 - Construct curb cut on P Street
 - Rezone from R6 to transitional/commercial
 - Property Acquisition: Kinney's O Street Addition, Lots 2 through 6.
 - Change of zone from R-6 to B-3.
3. 27th and the east side of block between S and T Street: office redevelopment. Adaptive reuse of existing historic building and construction of new office/commercial development. Project elements include:
- Rehabilitation of historic building, Lots 7-8, Block 5, Houtz and Building Subdivision
 - Acquisition of lots 1 - 2, 7 - 12, Block 5, Houtz and Baldwins Subdivision
 - Relocate tenants
 - Demolish structures
 - Pave off-street parking
 - Relocate/upgrade utilities
 - Provide curb cuts on T Street for ingress and egress.
 - Pave and landscape outside property line, driveways, approaches and sidewalks.
4. 27th and Vine Streets: major redevelopment of the commercial block between Vine and W Streets from 26th to 27th Street. The City acquired properties, relocated tenants and demolished buildings. A redevelopment agreement was approved, based on the 1998 North 27th Street Redevelopment Plan. Complete activities identified in the redevelopment agreement.
5. South of 27th and Vine Streets, west side of block, from south of two existing commercial businesses. The site to be redeveloped includes vacant, underutilized land and a vacant, blighted building. To be redeveloped with new commercial development. Project elements include:
- Acquisition of lots 14-17, except east 4 feet of each lot, Block 2, Houtz and Baldwin's Subdivision
 - Relocation of tenants, if any
 - Demolition of existing structures
 - Pave and landscape driveways, approaches and sidewalks outside property line
 - Replot as needed
 - Relocate/upgrade utilities as needed
6. 27th and X to Y: Commercial redevelopment. Deteriorated commercial buildings, one known as the Broom Factory, to be demolished and replaced with retail/office



**PARCELS TO BE ACQUIRED, SUBSTANDARD HOUSING
COMMERCIAL/INDUSTRIAL STRUCTURES**

Keystone Addition, Block 1, North 48 feet of Lot 4, except E5.5 feet, more commonly know as 511 N. 27th Street

Keystone Addition, Block 1, Lot 3, except part for street, more commonly known as 521 North 27th Street

Keystone Addition, Block 1, Lot 2, except 285 square feet on north and east for Street, more commonly known as 529 North 27th Street

Keystone Addition, Block 1, Lot 1, except 304.4 square feet for street, more commonly known as 533 North 27th Street

Hawley's Addition, South Half of Lot A, except 335.6 square feet on east for street, more commonly known as 535 North 27th Street

Hawley's Addition, North Half of Lot A, except 368.8 square feet on East, more commonly know as 537 North 27th Street

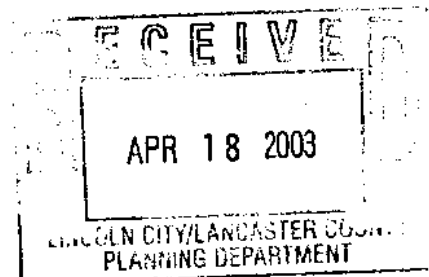
Hawley's Addition, Lot B except east part for street & South ½ of Lot C except East 8.5 feet, more commonly known as 539 North 27th Street

Keystone Addition, Block 1, West 102 feet of the South one foot of Lot 4 and the West 102 Feet of Lot 5, more commonly known as 2630 S Street

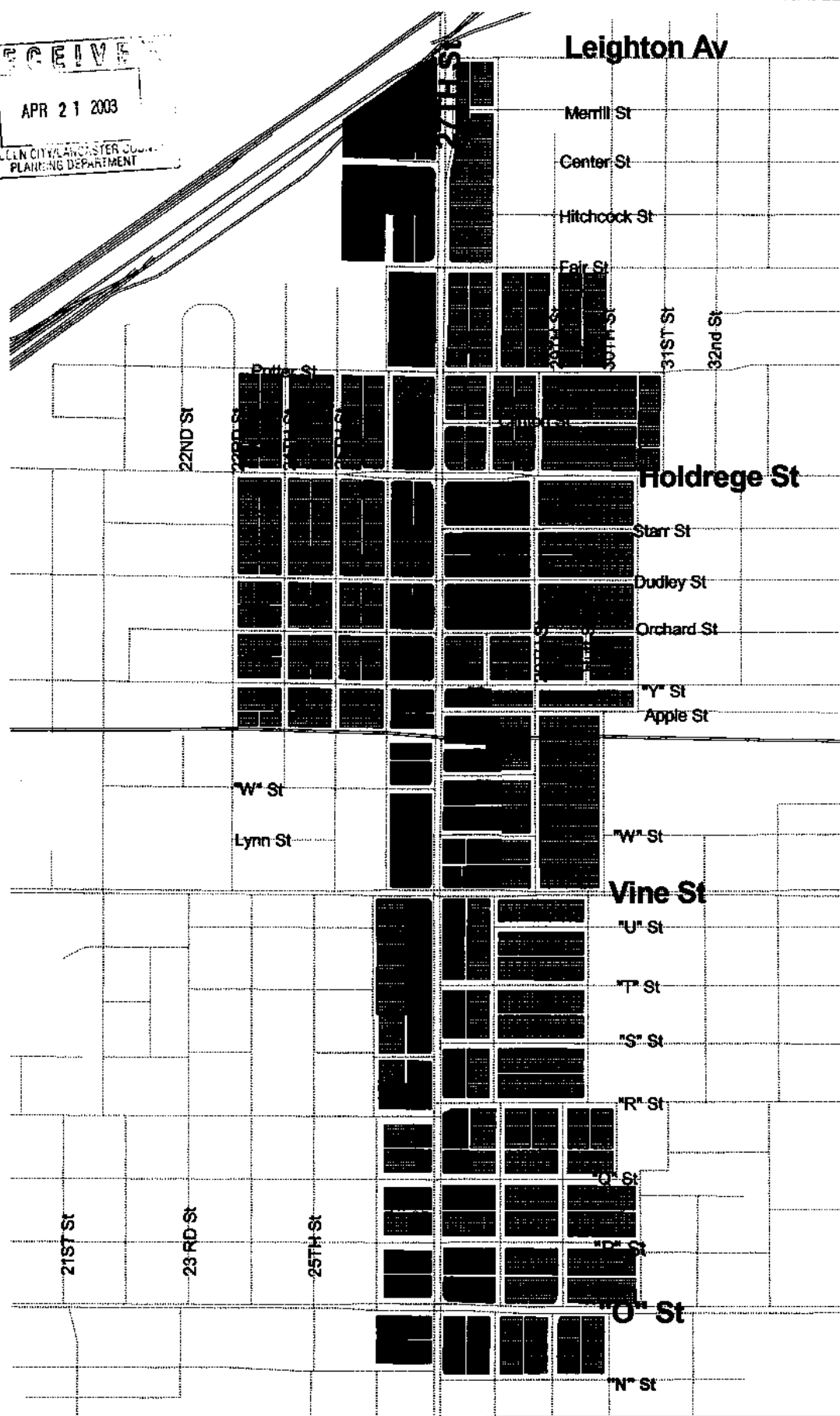
Keystone Addition, Block 1, West 54.5 feet, East 60 Feet, and the South 1 foot of Lot 4 and the West 54.5 feet, East 60 feet of Lot 5 except the triangle in the Southeast corner for street right-of-way, more commonly known as 501 North 27th Street

Hawley's Addition, South 46 feet of Lot B, more commonly known as 539 North 27th Street

Block 21, Kinny's O Street Addition, Lots 2 through 6, more commonly known as 2601 P Street.



RECEIVED
 APR 21 2003
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT



- Residential
- Commercial
- Public
- Semi-Public (Church)
- Streets
- Railroad
- * Amended Parcel

Amended N27th Street Future Land Use

Exhibit 8

N

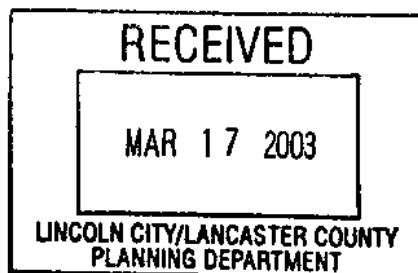
1 inch equals
625 feet

M e m o r a n d u m

To: Duncan Ross, Planning Dept.
SS
From: Bruce Briney, Public Works and Utilities
Subject: Change of Zone Request #3401, Comprehensive Plan Conformance #03002
'P' Street, 26th Street to 27th Street
Date: March 14, 2003
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for Change of Zone #3401 from R-6 to B-3 and Comprehensive Plan Conformance #03002 for the south side of 'P' Street from 26th Street to 27th Street. Public Works has the following comments:

- Public Works has no objection to the proposed change of zone.
- Public Works supports the proposed elimination of the two existing driveways on 27th Street.
- Public Works does not support the proposed curb cut on 'P' Street.
- Public Works supports the elimination of all existing driveways on the south side of 'P' Street between 26th Street and 27th Street.
- Public Works reserves the right to review all site plans for this project.



Memo



To: Duncan Ross, Planning Department

From: Mark Canney, Parks & Recreation

Date: March 12, 2003

Re: **N 27th Street Corridor & Environs Redevelopment Plan**

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Coordinate potential street tree locations with the developer and city arborist, Steve Schwab on private property.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

The deed restriction should limit the uses in the B-3 District as follows:

27.33.020 Permitted Uses.

A building or premises shall be permitted to be used for the following purposes in the B-3 Commercial District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies; Except ATM
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools, including but not limited to, business or commercial schools, dance or music academies, and nursery schools;
- (i) Adult care centers;
- (j) Hospitals and clinics for animals, but not open kennels;
- (k) Self-service laundromats, and launderettes;
- (l) Receiving stores for dry cleaning or laundry;
- ~~(m) Messenger and telegraph stations;~~
- (n) Office buildings;
- ~~(o) Restaurants;~~
- ~~(p) Stores or shops for the sale of goods at retail;~~
- (q) Undertaking establishments;
- (r) Photography studios;
- (s) Key shops;
- ~~(t) Ambulance services;~~
- (u) Retail bakery;
- ~~(v) Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;~~
- ~~(w) Milk distribution stations, but not involving any bottling on the premises;~~
- ~~(x) Food storage lockers;~~
- (y) Optical lens grinding and finishing;
- (z) Clubs;
- ~~(aa) Parking lots and storage garages;~~
- ~~(bb) Enclosed commercial recreational facilities;~~
- ~~(cc) Motorcycle, bicycle, and home and office equipment, but not including vehicle body repair shops~~

- (dd) Mail order catalog sales;
- (ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments.

27.33.030 Permitted Conditional Uses.

A building or premises may be used for the following purposes in the B-3 Commercial District in conformance with the conditions prescribed herein:

(a) Automobile wash facility:

~~(1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.~~

~~(2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.~~

~~(b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.~~

~~(c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air conditioning contractors, and cabinet shops or stores:~~

~~(1) The floor area of said premises not devoted to sales or office space shall not exceed 8,000 square feet;~~

~~(2) Not more than ten percent of the lot or tract occupied by the establishment shall be used for open and unenclosed storage of material and equipment;~~

~~(3) All outside storage of material and equipment shall be screened by an opaque six-foot tall fence constructed of wood, or a substitute material found acceptable by the Director of Building and Safety.~~

(d) Tire stores and sales, including vulcanizing:

~~(1) The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet;~~

~~(2) There shall be no manufacturing on the premises.~~

~~(e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry; plumbing and water~~

~~softener service shops:~~

~~The floor area of said premises not devoted to sales or office space shall not exceed 4,000 square feet.~~

(f) Dwellings, provided that:

~~(1) Except as provided subparagraph 2 below, dwellings shall only be permitted above the first story of a building, with the first story used for a non-dwelling use as permitted in the district. Such non-dwelling use shall not be accessory to the residential use or be a parking lot or garage.~~

~~(2) Dwellings shall be permitted in buildings that were originally constructed for a residential use prior to November 1, 1997.~~

(g) Recycling center:

- (1) The building area of such center shall not exceed 4,000 square feet;
- (2) Adequate traffic stacking shall be provided on site as determined by the city;
- (3) All required parking shall be provided on site;
- (4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;
- (5) The construction and operation of such center shall comply with all applicable health and fire codes;

(h) Vehicle body repair shop:

- (1) All salvage material including vehicles being salvaged shall be kept inside a building;
- (2) All vehicles stored outside a building shall be repaired to an operating state within thirty days;
- (3) All vehicles stored outside a building waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;
- (4) The construction and operation of such shop shall comply with all applicable health and fire codes;
- (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.

(i) Early childhood care facilities:

- (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
- (2) Such facilities shall comply with all building and life safety code requirements;
- (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
- (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(j) Service stations and automobile or appliance sales and repair facilities, but not including vehicle body repair shops:

- (1) No automobile or appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;
- (2) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety subject to the provision of condition (3) below;
- (3) Any service station or automobile or appliance sales and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance shall have until October 1, 2003 to be brought into compliance with condition (2) above;
- (4) The locational or screening requirements of (1), (2), and (3) above shall not apply when said residential use or district is across a public street from the service station or automobile or appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the service station or automobile or appliance sales and repair facility;
- (5) Any service station lawfully established in this district, after the effective date of this ordinance, shall screen the facility from any residential use or district by the use of an opaque fence;

~~six feet in height, constructed of wood or of a substitute material found acceptable to the Director of Building and Safety, provided that said screening requirement shall not apply when said residential use or district is across a public street from the service station, but shall apply if said residential use or district is across an alley or private drive from the service station.~~

The special permitted uses may be allowed if found appropriate following public hearing as required.

I:\PC\cpc03002.RFH.wpd



April 29, 2003

TO: Lancaster County Planning Commission

FROM: Barbara Morley
President, Malone Neighborhood Association

RE: Zoning action on the property at 26th & P from Residential R-6 to Business B-3 for the purpose of Center Pointe Dual Diagnosis Center Project

I am making my comments in writing because I am not sure that I will be able to attend the public hearing on Wednesday regarding the zoning action.

The Malone Neighborhood Association opposes the zoning change. It is in the best interests of the neighborhood if the zoning stays residential. There is both an interest and need for residential development in this location. It is well-suited for an attractive residential development as a buffer between the businesses and single-family dwellings along 'P' St. and good access to local retail establishments and public transportation. The application states that no person or entity except CenterPointe has shown an interest in the property. Prior to us hearing about the CenterPointe project, it was not widely known that the site was available. This smacks of a "done deal" cut behind the scenes without the knowledge of the general public.

We were first approached about the city's interest in tearing down the houses on 27th St. Apparently Urban Development staff was aware at the time that they might give the land to CenterPointe, but never informed us.

The project as proposed is contrary to the Comprehensive Plan, for the following reasons:

1. In order to judge compatibility with the Comprehensive Plan it is necessary *not just to consider what the building might look like* (I make the assumption that they are erecting a new building), but what *activities* will take place in the building and what impact that they will have in the neighborhood. The activities of a dual diagnosis residential treatment center will ripple through the Malone neighborhood and the adjacent

Hartley and Woods Park neighborhoods. Adjacent residential properties will deteriorate and families will move out. People are far more concerned about the activities that take place in their neighborhoods and the safety of their children than in whether or not the building is new or old.

Therefore, when considering compatibility with the Comprehensive Plan, you must consider that the activities will encroach and expand to encroach on the existing neighborhoods. There is no way to prevent or screen that encroachment and you must reject the zoning action.

- 2. The placement of a Dual Diagnosis residential treatment center in this area is completely inconsistent with the stated goals of the Antelope Valley Project, which was strongly supported by the Planning Commission. The Antelope Valley Project envisions social engineering where the neighborhood would be revitalized with attractions that would draw middle-class and upper-class individuals from outlying areas of Lincoln to live and play. "Build it and they will come."**

Yet just a couple of blocks away, you would locate CenterPointe? That would show no understanding whatsoever of successful urban development and successful urban planning. Build it and they will stay away.

- 3. The residents of the Malone Neighborhood do not have the financial resources to resist the temptations of more affluent neighborhoods to push every difficult social problem within Malone's boundaries. But the members of the Planning Commission should have the understanding that no neighborhood can be revitalized when it must bear an undue burden for providing social services. Locate them here and their clients will come.**
- 4. The Catholic Church existing on this site is eligible for the Historic Registry and any impact on it must be completely justified and all alternatives considered. It is hard to believe that anyone could justify either modifying or tearing down a historic site for a dual diagnosis treatment center. There are large numbers of more suitable locations than this one.**

Lastly, I have some understanding of why the Planning Department would want to limit the types of businesses that might be placed in this area under the B-3 zoning. However, there is no business that I can think of that would have a more negative impact on this neighborhood than a Dual Diagnosis residential treatment center.